

vision of services, material, or other in-kind contributions.

**(B) Limitation**

The amount of the grantee share of the cost of a project that is made in the form of the provision of services, material, or other in-kind contributions shall not exceed 25 percent of the amount of the grantee share determined under paragraph (1).

**(g) Consultation**

In carrying out this section, the Secretary shall consult with the Secretary of Energy.

**(h) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2007.

(Pub. L. 107–171, title IX, §9003, May 13, 2002, 116 Stat. 478.)

**§ 8104. Biodiesel fuel education program**

**(a) Establishment**

The Secretary shall, under such terms and conditions as are appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

**(b) Eligible entities**

To receive a grant under subsection (a) of this section, an entity—

- (1) shall be a nonprofit organization or institution of higher education (as defined in section 1001 of title 20);
- (2) shall have demonstrated knowledge of biodiesel fuel production, use, or distribution; and
- (3) shall have demonstrated the ability to conduct educational and technical support programs.

**(c) Consultation**

In carrying out this section, the Secretary shall consult with the Secretary of Energy.

**(d) Funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$1,000,000 for each of fiscal years 2003 through 2007.

(Pub. L. 107–171, title IX, §9004, May 13, 2002, 116 Stat. 480.)

**§ 8105. Energy audit and renewable energy development program**

**(a) In general**

The Secretary shall make competitive grants to eligible entities to carry out a program to assist farmers, ranchers, and rural small businesses in becoming more energy efficient and in using renewable energy technology and resources.

**(b) Eligible entities**

Entities eligible to carry out a program under subsection (a) of this section are—

- (1) a State energy or agricultural office;

(2) a regional or State-based energy organization or energy organization of an Indian tribe (as defined in section 450b of title 25);

(3) a land-grant college or university (as defined in section 3103 of this title) or other institution of higher education (as defined in section 1001 of title 20);

(4) a rural electric cooperative or utility;

(5) a nonprofit organization; and

(6) any other entity, as determined by the Secretary.

**(c) Merit review**

**(1) Merit review process**

The Secretary shall establish a merit review process to review applications for grants under subsection (a) of this section that uses the expertise of other Federal agencies, industry, and nongovernmental organizations.

**(2) Selection criteria**

In reviewing applications of eligible entities to receive grants under subsection (a) of this section, the Secretary shall consider—

- (A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;
- (B) the geographic scope of the program proposed by the eligible entity;
- (C) the number of farmers, ranchers, and rural small businesses to be assisted by the program;
- (D) the potential for energy savings and environmental and public health benefits resulting from the program; and
- (E) the plan of the eligible entity for educating farmers, ranchers, and rural small businesses on the benefits of energy efficiency and renewable energy development.

**(d) Use of grant funds**

**(1) Required uses**

A recipient of a grant under subsection (a) of this section shall use the grant funds to conduct and promote energy audits for farmers, ranchers, and rural small businesses to provide farmers, ranchers, and rural small businesses recommendations on how to improve energy efficiency and use renewable energy technology and resources.

**(2) Permitted uses**

In addition to the uses described in paragraph (1), a recipient of a grant may use the grant funds to make farmers, ranchers, and rural small businesses aware of, and ensure that they have access to—

- (A) financial assistance under section 8106 of this title; and
- (B) other Federal, State, and local financial assistance programs for which farmers, ranchers, and rural small businesses may be eligible.

**(e) Cost sharing**

A recipient of a grant under subsection (a) of this section that conducts an energy audit for a farmer, rancher, or rural small business under subsection (d)(1) of this section shall require that, as a condition of the energy audit, the farmer, rancher, or rural small business pay at least 25 percent of the cost of the audit.